

REMARKS

Applicant has carefully reviewed the Office Action mailed June 20, 2008 and offers the following remarks.

Claims 1, 4, 6-27, 30, and 32-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,176 B1 to Christie, IV (hereinafter "Christie") in view of U.S. Patent Application Publication No. 2008/0049783 A1 to Habiby et al. (hereinafter "Habiby"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. M.P.E.P. § 2143.03. If the Patent Office cannot establish obviousness, then the claims are allowable.

Before addressing the rejection, Applicant provides a brief overview of the present invention. The present invention provides a way to associate multimedia clients with telephony devices and create multimedia sessions related to a voice connection between the telephony devices. The telephony devices may be part of a public network or an enterprise network associated with a PBX. Further, calls can be routed in part over packet-switched and circuit-switched networks. Initially, a telephony switch will detect the telephone going off hook and sending digits to originate a call. The telephony switch will initially determine whether the caller has multimedia capabilities in addition to the ability to facilitate a voice call. The telephony switch will include or have access to a database, which will preferably include information sufficient to identify whether the telephone of the called party is associated with a multimedia client, and if so, provide addressing and port information for facilitating a media session with the multimedia client.

If the caller is not associated with a multimedia client having multimedia capabilities, the telephony switch will initiate normal call processing and routing of the voice call via the PSTN in traditional fashion. If the caller is associated with a multimedia client providing multimedia capabilities, the telephony switch will determine if the called party is not serviced by the associated service node and is thus outside of the service node's zone. In one embodiment of the present invention, if the caller has multimedia capabilities and the called party is outside of the service node zone, the telephony switch will use a SIP call server for call processing to route the voice call via the packet network. If the called party is within the service node zone, the telephony switch will access another database, such as that provided by a local number

portability (LNP) server, to determine if the called party is associated with multimedia capabilities. Preferably, the LNP server provides a database that has been modified to not only provide LNP information but also to provide information bearing on the multimedia capabilities of the called party. In one embodiment, the LNP server is capable of identifying whether or not the called party is supported by SIP, which is highly indicative of multimedia capability. The LNP server may indicate that the called number has been ported to a SIP-capable device.

As such, in one embodiment of the present invention, the telephony switch can determine whether the called party has multimedia capabilities by seeing if the called party is supported by SIP. If the called party is supported by SIP, the telephony switch will initiate call processing via the SIP call server, which will facilitate routing of the call via the packet network and the trunk gateways. If the called party is not supported by SIP, the telephony switch will initiate call processing and routing via the PSTN in traditional fashion.

Claim 1 is used as an example. Claim 1 recites a method for associating multimedia clients with telephony devices comprising:

- a) receiving from a first telephony device having a first telephone number a second telephone number associated with a second telephony device to initiate a voice call from the first telephony device to the second telephony device;
- b) determining if the first telephony device is associated with a first multimedia client;
- c) obtaining a first address associated with the first multimedia client from a first service node based on the first telephone number;
- d) determining if the second telephony device is supported by the first service node;
- e) if the second telephony device is not supported by the first service node, routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network; and
- f) establishing a voice connection for the voice call to the trunk gateway.

Claims 15, 18, and 27 recite similar limitations and are patentable for at least the same reasons set forth below with respect to claim 1.

The Patent Office now admits that Christie does not teach each and every limitation of claim 1, and relies on Habiby to teach steps (b), (d), and (e) (Office Action dated June 20, 2008, p. 3). Applicant respectfully traverses. In particular, Habiby does not disclose the step of

“determining if the first telephony device is associated with a first multimedia client.” Habiby also does not teach or suggest the step of determining if the second telephony device is supported by the first service node and then routing the call signaling for the voice call to a first call server if the second telephony device is not supported by the first service node, as recited in claim 1.

Habiby discloses a controller in a communications network that enables endpoints of multiple networks to communicate using multiple types of bearer format, such as IP, TDM, ATM, Frame Relay, etc., and converts the bearer format when necessary to carry bearer channel information across an interface of the network (Habiby, Abstract). In Habiby, the gateway controller determines the bearer format used at each of the nodes or endpoints (Habiby, paragraph 0015). If, for example, an originating node 12 uses an IP protocol and a terminating node 14 uses a TDM protocol, then a conversion is performed between the IP and TDM somewhere along the communication path. *Ibid.* If the originating and terminating nodes use the same bearer format as that used by the backbone network 16, then no conversion is required or performed. *Ibid.* Habiby is therefore concerned with whether the nodes are using the same bearer format and if not, then converting the bearer format so that the nodes can communicate. Habiby is not concerned with whether or not a first telephony device is associated with a first multimedia client, as recited in step (b) of claim 1. Habiby is also not concerned with determining if a second telephony device is supported by a first service node and then routing the call signaling for the voice call to a first call server if the second telephony device is not supported by the first service node, as recited in steps (d) and (e) of claim 1. Thus, Habiby does not teach step (b), (d), or (e) of claim 1. Since the Patent Office has admitted that Christie does not teach or suggest steps (b), (d), or (e), and Habiby does not teach steps (b), (d), or (e), then the combination of Christie and Habiby does not teach or suggest each and every element of claim 1. Claim 1 is therefore patentable.

First, Habiby does not teach or suggest “determining if the first telephony device is associated with a first multimedia client,” as recited in step (b) of claim 1. The Patent Office cites to the “device associated with originating node 12, See Fig. 1.” (Office Action mailed June 20, 2008, p. 3). First of all, Figure 1 of Habiby merely shows a multi-protocol backbone network 10 that interfaces with multiple network types or endpoints 12 and 14 (also referred to as nodes 12 and 14) to transport bearer traffic over a communication channel between nodes (Habiby, Figure 1; see also paragraph 0014). The nodes 12 and 14 in Habiby are merely endpoints. There

is no mention that they are telephony devices, or that telephony devices are associated with the endpoints. Moreover, Figure 1 of Habiby does not show any multimedia clients that may be associated with the telephony devices. Finally, there is certainly no teaching in Habiby of a determining step in which it is determined if a first telephony device is associated with a first multimedia client. For these reasons, Habiby does not teach or suggest “determining if the first telephony device is associated with a first multimedia client,” as recited in step (b) of claim 1. Since the Patent Office has admitted that Christie does not teach or suggest this element and Habiby does not teach or suggest this element, then the combination of Christie and Habiby does not teach or suggest each and every element of claim 1. Claim 1 is therefore patentable.

Habiby also does not disclose determining if the second telephony device is supported by the first service node and, if the second telephony device is not supported by the first service node, routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network, as recited in steps (d) and (e) of claim 1. The Patent Office alleges that Habiby teaches these limitations in paragraphs 0011, 0015, 0018, and 0025 (Office Action mailed June 20, 2008, p. 3). In addition, the Patent Office equates node 12 in Habiby to the claimed service node and equates gateway controller 28 to the claimed first service node. Applicant respectfully disagrees that Habiby teaches steps (d) and (e) of claim 1.

Habiby does not disclose or suggest that a determination is made as to whether the second telephony device is supported by the first service node. First, Habiby does not even disclose a second telephony device. Second, the node 12 in Habiby is merely an endpoint, not a service node as claimed in the present invention. In the present invention, a first address associated with the first multimedia client is obtained from the first service node. The node 12 in Habiby, being merely an endpoint, does not perform such a function, nor would it be capable of doing so. Thus, the node 12 is not the claimed service node. As can be seen from the Specification of the present invention, the service node is not an endpoint (see Figures 1, 4, 5, 7, 8, and 10; see also paragraphs 0029 and 0030). One of ordinary skill in the art, having read the Specification, would not construe the node 12 of Habiby to be the claimed service node. Quite simply, the node 12 in Habiby is not equivalent to the claimed service node.

Moreover, there is no determination made to see if the second telephony device is supported by the first service node. In Habiby, the gateway controller determines the bearer format used at each of the nodes or endpoints (Habiby, paragraph 0015). If, for example, an

originating node 12 uses an IP protocol and a terminating node 14 uses a TDM protocol, then a conversion is performed between the IP and TDM somewhere along the communication path. *Ibid.* Habiby is therefore concerned with whether the nodes are using the same bearer format and if not, then converting the bearer format so that the nodes can communicate. Habiby is not concerned with determining if a second telephony device is supported by a first service node and then routing the call signaling for the voice call to a first call server if the second telephony device is not supported by the first service node, as recited in steps (d) and (e) of claim 1. Determining whether the bearer format at two endpoint nodes require conversion, as disclosed in Habiby, is not equivalent to determining whether a second telephony device is supported by a first service node, as recited in the claimed invention. Thus, Habiby does not teach or suggest determining if a second telephony device is supported by a first service node and then routing the call signaling for the voice call to a first call server if the second telephony device is not supported by the first service node, as recited in steps (d) and (e) of claim 1.

In addition, in Habiby, the gateway controller, which the Patent Office has equated to the claimed first call server, always makes the determination as to what bearer format is used at each of the nodes and whether conversion is required (Habiby, paragraphs 0015, 0018, and 0025). In the claimed invention, call signaling is only routed to the first call server **if** the second telephony device is not supported by the first service node. This is different from Habiby, in which the gateway controller always determines what bearer format is being used and signaling information is always transferred between the controllers (Habiby, paragraphs 0011 and 0016-0018). In all situations in Habiby, signaling for the voice call is handled in the same manner, regardless of whether the second telephony device is supported by the first service node. Therefore, Habiby also does not teach or suggest determining if a second telephony device is supported by a first service node and then routing the call signaling for the voice call to a first call server **if the second telephony device is not supported by the first service node**, as recited in steps (d) and (e) of claim 1.

Since Habiby does not teach or suggest these limitations of claim 1 and the Patent Office has admitted Christie does not teach them, the combination of Christie and Habiby does not teach or suggest each and every limitation of claim 1. Thus, claim 1 is patentable.

Claims 15, 18, and 27 recite similar limitations to those recited in claim 1 and are thus patentable for at least the same reasons set forth with respect to claim 1.

In addition, the Patent Office did not specifically and separately address the limitations of claims 15 and 18 in the Office Action mailed June 20, 2008. Claims 15 and 18 have limitations similar to claim 1, but also contain limitations different from those in claim 1. With respect to independent claim 15, Applicant previously argued that Christie does not teach determining if the second telephony device is supported by the same service node supporting the first telephony device and if so, then sending the telephone numbers for the first and second telephony devices from the telephony switch to the service node, which will provide a first address associated with a first multimedia client based on the first telephone number and a second address for a second multimedia client based on the second telephone number. In a similar fashion, Christie does not teach the step of determining if the second telephony device is supported by the first service node and if not, then sending a second service node the first address and the second telephone number, identifying a second address associated with the second multimedia client at the second service node based on the second telephone number, and sending the first address to the second multimedia client using the second address, as required by claim 18.

The Patent Office did not specifically address Applicant's arguments that Christie does not anticipate claims 15 and 18 and has not pointed to anything in Habiby that specifically teaches these different limitations of claims 15 and 18. Applicant finds no teaching or suggestion in Habiby of determining if the second telephony device is supported by the same service node supporting the first telephony device and if so, then sending the telephone numbers for the first and second telephony devices from the telephony switch to the service node, which will provide a first address associated with a first multimedia client based on the first telephone number and a second address for a second multimedia client based on the second telephone number, as required by claim 15. Likewise, Applicant finds no teaching or suggestion in Habiby of the step of determining if the second telephony device is supported by the first service node and if not, then sending a second service node the first address and the second telephone number, identifying a second address associated with the second multimedia client at the second service node based on the second telephone number, and sending the first address to the second multimedia client using the second address, as required by claim 18. Since neither Habiby nor Christie, alone or in combination, teaches each and every limitation of claims 15 and 18, the combination of Christie and Habiby does not render these claims obvious.

Claims 4 and 6-14 depend from claim 1, contain all of the limitations of claim 1, and further define the invention. Accordingly, claims 4 and 6-14 are patentable for at least the same reasons as claim 1.

Claims 16 and 17 depend from claim 15, contain all of the limitations of claim 15, and further define the invention. Accordingly, claims 16 and 17 are patentable for at least the same reasons as claim 15.

Claims 19-25 depend from claim 18, contain all of the limitations of claim 18, and further define the invention. Accordingly, claims 19-25 are patentable for at least the same reasons as claim 18.

Claims 30, 32, and 33 depend from claim 27, contain all of the limitations of claim 27, and further define the invention. Accordingly, claims 30, 32, and 33 are patentable for at least the same reasons as claim 27.

Claims 34-37 depend from claims 1, 8, 23, and 27, respectively. Thus, these claims are patentable for the same reasons set forth above with respect to claims 1, 8, 23, and 27.

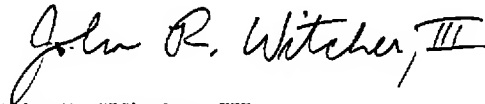
Claims 38-40 depend from claims 1, 15, and 18, respectively, and are patentable based on their dependency from these allowable claims. In addition, claims 38-40 also recite that the steps of the method in the independent claim are performed at least in part by a telephony switch. In this embodiment of the present invention, it is the telephony switch that determines whether or not the called party (the second telephony device) is serviced by the service node that is servicing the calling party (the first telephony device) (Specification, paragraphs 0032-0036). Neither Christie nor Habiby, alone or in combination, teaches or suggests a telephony switch that performs the steps of claims 38-40. In particular, the combination of Christie and Habiby does not teach or suggest that a telephony switch determines if the second telephony device is supported by a service node supporting the first telephony device. For the foregoing reasons, new claims 38-40 are allowable for this separate reason.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

A handwritten signature in black ink, reading "John R. Witcher, III". The signature is written in a cursive style with a horizontal line through the middle of the last name.

John R. Witcher, III

Registration No. 39,877

100 Regency Forest Drive, Suite 160

Cary, NC 27518

Telephone: (919) 238-2300

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